

SUBJECT: Allowing Houston's municipal courts to record hearings electronically

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 10 ayes — Jackson, Lewis, Castro, S. Davis, Hartnett, Madden, Raymond, Scott, Thompson, Woolley

0 nays

1 absent — Bohac

WITNESSES: For — Barbara Hartle, City of Houston Municipal Courts Dept.; Jessica Sloman, Houston Police Department (*Registered, but did not testify*; Wynn Dillard, Professional Bondsmen of Texas; Scott Walstad)

Against — Paul Kubosh, Texas Municipal Justice Bar Association; Phyllis Morris, Texas Court Reporters Association; Michal Kubosh (*Registered, but did not testify*; Velma Arellano; Glenda Fuller)

BACKGROUND: Government Code, sec. 30.00010 establishes rules for court reporters for municipal courts of record. It allows court reporters to use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods to record the proceedings of the court. Instead of providing a court reporter, a municipality may record the proceedings with an electronic recording device. If the case is appealed, the proceedings must be transcribed from the recording by an official court reporter.

This section does not apply to the municipal courts of Houston.

DIGEST: HB 3807 would put Houston the Government Code, sec. 30.00010 provisions for court reporters in municipal courts of record.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS
SAY:**

Houston should be allowed to use electronic recording devices in municipal court proceedings just as other large Texas cities are allowed to do. Dallas, Fort Worth, El Paso, Irving, Arlington, Carrollton, Richardson, Laredo, Corpus Christi and other Texas cities are allowed to use electronic recording systems and do so with great success. The recordings are used to produce a record of the trial if one of the parties files an appeal.

Texas cities use electronic recording devices well. They train their court staff to properly use recording systems. They save back-up files. The city of Dallas has about two appeals a year from their municipal courts and they have had no trouble with their electronic records.

The bill would allow Houston's municipal courts greater flexibility when scheduling hearings. Currently, parties and witnesses have had cases rescheduled two or three times because a staff or contract court reporter was not available for a hearing. Allowing Houston's municipal courts to use electronic-recording devices to create a record would make scheduling easier and help the city avoid the cost of contracting with court reporters to supplement existing staff court-reporter pool. Houston's municipal courts hear about 1.2 million cases a year and need the flexibility that electronic-recording devices would provide.

Houston's municipal courts still would need staff court reporters. It currently has no plans to lay them off. Judges still would have full discretion to use live court reporters, who still would be needed to transcribe electronic records, work in tandem with electronic devices, and fill in when the devices were unavailable for any reason.

**OPPONENTS
SAY:**

Live court reporters provide a service to courts and the parties that is superior to electronic recording devices. Live court reporters can read back testimony, make sure speakers speak one at a time, and ensure that they speak audibly. These services ensure a high-quality record. A mechanical device has no sense of quality control. A court would not know until after the fact if a recording was a good one or not. If a court found that a device had not been switched on or had failed, it could be grounds for an expensive mistrial.

NOTES:

The companion bill, SB 1879 by Huffman, was referred to the Senate Jurisprudence Committee on March 28.